

**EXHIBIT A**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

No. 04CV10632MEL

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MARY B. SMITH )

Plaintiff, )

vs. )

DAVID C. NICHOLSON, ET AL )

Defendants. )

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DEPOSITION OF Mary B. Smith, taken in  
behalf of the defendant, pursuant to the  
applicable provisions of the Massachusetts Rules  
of Civil Procedure, before Charlene Jones, Court  
Reporter and Notary Public in and for the  
Commonwealth of Massachusetts, at the offices of  
Curley & Curley, 27 School Street, Boston,  
Massachusetts, on Wednesday, May 11, 2005,  
commencing at 10:20 a.m.

1 road. It was the road up here that was level up  
2 there that the cars were all parked on, and then  
3 down in here was their yard where cars were  
4 parked, but there was nothing on this road at  
5 all.

6 Q. Were you walking towards one side of the  
7 road or in the middle of the road?

8 A. I can't remember precisely whether I did  
9 or not.

10 Q. Now take a minute to look at the picture  
11 because I'm going to ask you to place an X in the  
12 spot where you fell.

13 A. Okay.

14 Q. But I want to just give you a chance to  
15 look at it so you can think about it.

16 (Witness looking at document)

17 A. Now you see -- I want to say something.  
18 You see that this is paved now.

19 Q. We'll get to that.

20 A. Okay. I would think it was right after  
21 it began to incline, around in here, just over  
22 the crest of that --

23 Q. Why don't you draw a circle in the area  
24 where you fell?

EXHIBIT

